

REMARKS

The Office Action of December 22, 2009 was received and carefully reviewed.

Claims 1-4, 10-31, 33-38, and 40-68 are currently pending in the instant application. Presently, claims 1-3, 13-17, 19-21, 24, 26-29, 31, 34-36, 38, 41-43, and 45-56 are hereby amended to clarify the invention, and not for reasons of patentability. New claims 57-68 have been added by way of this reply. Claims 24-31, 33-38, 40-44, 48-50, and 54-56 remain withdrawn.

Support for amendments to claims 1-3 can be found at least, e.g., in paragraph [0042] and FIG. 2B. Support for new claims 57-68 can be seen at least in paragraphs [0041] and [0067] in the publication of the instant application. Thus, Applicant asserts that no new matter has been introduced by the amendment to the independent claims.

Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Examiner Interview

Applicants appreciate the courtesies of the Examiner during the Examiner Interview.

Claim Objections

Claims 2 and 3 stand objected to due to informalities noted by the Examiner in the Office Action. However, Applicants contend that the amendments to claims 2 and 3 obviate any perceived informalities which the Examiner noted.

Claim Rejections – 35 U.S.C. § 103

Claims 1-4, 10-23, 45-47, and 51-53 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gianchandani et al. (U.S. Patent No.: 6,827,870) (*Gianchandani*, hereinafter) in view of Satoshi (JP 2003-59909) (*Satoshi*, hereinafter) and Takuya (JP 2002-320845) (*Takuya*, hereinafter). Applicant traverses the rejections for at least the following reasons.

Independent claims 1-3 are patentably distinguishable over *Gianchandani*, *Satoshi*, and *Takuya*, since these references fail to disclose, teach, or suggest each and every feature

recited in the pending claims. For example, independent claims 1-3 each recite a combination that includes, *inter alia*, the feature:

“...a gas supply unit adapted to discharge a process gas onto a substrate to be treated...”

It is Applicant’s contention that neither *Gianchandani*, *Satoshi*, nor *Takuya*, taken either singly or in any proper combination, anticipate or render obvious at least the above-identified combination of features recited in present independent claims 1-3.

It appears that *Gianchandani* discloses that the desired reactive as or gases are supplied from sources 13 to the chamber 11 until a selected pressure level of the desired reactive gas or gases is reached in the chamber 11 (see *Gianchandani*, e.g., col. 6, lines 2-5). Consequently, Applicants contend that *Gianchandani* does not teach or suggest that the gas is generated in the chamber, and NOT that the process gas is discharged onto the substrate to be treated thereby preventing plasma damage as described in paragraph [0043] of the publication of the instant application.

Moreover, neither *Satoshi*, nor *Takuya* seem to cure the above-identified shortcomings with respect to *Gianchandani*. Thus, Applicants respectfully submit that the Examiner has failed to set forth a proper *prima facie* case of obviousness in rejecting independent claims 1-3 under 35 U.S.C. 103(a). For at least the above-stated reasons, it is respectfully requested that the rejection of claims 1-3 be withdrawn, and that these claims receive allowance.

Claims 4, 10-23, 45-47, and 51-53 are allowable at least by virtue of their dependency from one of the independent claims, but also because they are distinguishable over the prior art. Thus, Applicants respectfully request that the rejection of 4, 10-23, 45-47, and 51-53 be withdrawn and that these claims receive allowance.

New claims 57-68 are distinguishable over the prior art, and thus are in condition for immediate allowance. Applicants respect such action.

In view of the foregoing remarks, this claimed invention, as amended, is not rendered obvious in view of the prior art references cited against this application. Applicant therefore

requests the entry of this response, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In discussing the specification, claims, and drawings in this response, it is to be understood that Applicant in no way intends to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Date: April 22, 2010

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